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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/221,952	12/28/1998	LISA HOLZHAUSER	PHA-23.403	3880

7590 10/06/2003

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/06/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/221,952

Applicant(s)

HOLZHAUSER ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1 – 10, 12 and 14 – 21 are presented for examination.

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 10, 12 and 14 – 21 have been considered but are moot in view of the new ground(s) of rejection.
2. In the remarks, Applicant stated that Astarabadi fails to teach or suggest staging facilities supporting indirect distribution of the acquired information by distributing a pointer to the acquired information stored at the information apparatus as recited in claim 1.
3. As to part 1, Examiner would like to draw the Applicant's attention to the rejections stated below that addresses this topic and others that are in association with claim 1.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “distributing a pointer to the acquired information stored at the information apparatus” in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Referencing claim 1, the Applicant submits the limitation of “distributing a pointer to the acquired information stored at the information apparatus” which is not described or disclosed in the specification.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Astarabadi (5822405) in view of Takahashi et al. (6029068) (hereinafter Takahashi).

10. As per claim 1, Astarabadi teaches an information apparatus for general information a resource management, comprising:

11. a plurality of acquisition resources, the plurality of acquisition resources configured to acquire information and directives, the information comprising multiple data types, (e.g. col. 3 lines 1 – 40 & col. 5, line 20 – col. 6, line 34);

12. a plurality of distribution resources, coupled to the acquisition resources so as to receive and distribute all or part of the acquired information, (e.g. col. 5, line 65 – col. 6, line 34 & col. 8, lines 17 - 41); and

13. association resources, coupled to the acquisition and distribution resources, the association resources configured to provide an association annotation to the distribution resources, whereby the distribution resources distribute responsive to the association annotation, (e.g. col. 5, line 65 – col. 6, line 34); and

14. wherein the association annotation is based, at least in part, on an acquired directive, (e.g. col. 5, line 20 – col. 6, line 34); and wherein the distribution resources comprise staging facilities supporting indirect distribution of the acquired information, (e.g. col. 6 line 35 – col. 7 line 32), but does not specifically teach the directives comprising control commands associated with the information; and

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15. distributing a pointer to the acquired information stored at the information apparatus.

Takahashi teaches the directives comprising control commands associated with the information, (e.g. col. 35, line 27 – col. 37, line 45 & col. 39, line 40 – col. 40, line 29);

16. distributing a pointer to the acquired information stored at the information apparatus, (e.g. col. 35, line 27 – col. 37, line 45 & col. 39, line 40 – col. 40, line 29). It would have been obvious to one of ordinary skill in the art to combine Takahashi with Astarabadi because it would cause fewer errors and provide faster recall of data that is designated for a specific area of storage to be pointed to. Doing so would allow the system when comparing input data to stored data and having a match to output, and/or a directory to save the data that is inputted in its appropriate area of storage, so not to store data in an area that is not meant for a specific data type.

17. Referencing claim 2, Astarabadi teaches a processing resources coupled to one or more of the acquisition, association and distribution resources, (e.g. col. 5 line 65 – col. 6 line 34).

18. Referencing claim 3, Astarabadi teaches the processing resources comprise at least one of conditioning facilities, analog-to-digital conversion facilities, buffering or other storage facilities, recognition facilities, encryption facilities, compression facilities, coding facilities, and composing facilities, (e.g. col. 3 lines 43 – 50).

19. Referencing claim 4, Astarabadi teaches the distribution resources

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20. selectively distribute information responsive to an association annotation, the annotation being based on the acquired information as processed by the processing resources, (e.g. col. 3 line 66 – col. 4 line 23).

21. Referencing claim 5, Astarabadi teaches an administration resources coupled to one or more of the acquisition, association and distribution resources, the administration resources comprising at least one of timer facilities, prompting facilities, and configuration facilities, (e.g. col. 3 lines 1 – 40).

22. Referencing claim 6, Astarabadi teaches the distribution resources selectively distribute information responsive to the association annotation, the association annotation being based on at least one of the information acquired by the acquisition resources or directives provided by the configuration facilities, (e.g. col. 3 line 1 – col. 4 line 23).

23. Referencing claim 7, Astarabadi teaches the configuration facilities providing support for a shared relevance space, the shared relevance space supporting coordination between the acquisition and distribution resources, (e.g. col. 12 lines 17 - 67).

24. Referencing claim 8, Astarabadi teaches the information apparatus is implemented as a PDA, the PDA's shared relevance space is defined around transportability, (e.g. col. 3 line 66 – col. 4 line 29, and col. 11 lines 40 - 51).

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25. Referencing claim 9, Astarabadi teaches the PDA's shared relevance space is user-specifiable, (e.g. col. 3 line 66 – col. 4 line 29, and col. 11 lines 40 - 51).

26. Referencing claim 10, Astarabadi teaches the configuration facilities support tracking of the user's use of the apparatus, such tracking being employable for updating of the configuration facilities, (e.g. col. 13 line 1 – 50).

27. Referencing claim 12 Astarabadi teaches the acquisition resources comprise (a) at least one of transducing facilities and coupling facilities, (e.g. col. 3 lines 44 - 50), and (b) acquisition control facilities for activating selected said transducing and coupling facilities, (e.g. col. 3 lines 44 - 50).

28. Referencing claim 14 Astarabadi teaches one or more exploiting resources to which the distribution resources distribute all or part of at least one of the information and the association annotations, the exploiting resources comprising at least one of internal exploiting resources and external exploiting resources, (e.g. col. 15 line 58 – col. 16 line 15).

29. Referencing claim 15, Astarabadi teaches the association resources comprise at least one of directive management facilities, annotating facilities and association control facilities, (e.g. col. 3 lines 1 – 40).

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30. Referencing claim 16, Astarabadi teaches (a) the directive management facilities support receipt and processing of directives acquired as information by the acquisition resources, (e.g. col. 3 lines 1 – 40), (b) the annotating facilities formulate annotations based on at least one of the received directives and of configurations, such configuration being predetermined, user-adjustable and combinations of same, (e.g. col. 3 lines 1 – 40), and (c) the association control facilities provide for activating the association resources, (e.g. col. 3 lines 1 – 40).

31. Referencing claim 17, Astarabadi teaches a control coordinating resources coupled to the acquisition resources and to the association resources, (e.g. col. 3 line 1 – 40).

32. Referencing claim 18, Astarabadi teaches the control coordinating resources coordinate activations of the acquisition and association resources, (e.g. col. 3 line 1 – 40).

33. Referencing claim 19, Astarabadi teaches the control coordinating resources provide one or more of (a) accommodation of the application of directives other than from real-time, transducer-based acquisition, (b) operation independently of the sequence of acquisition of associated information and directives and (c) handling of use both of common and of differing transducing facilities, (e.g. col. 3 lines 40 – 50).

34. Referencing claim 20, Astarabadi teaches the control coordinating resources is implemented to recognize the completion of a primary information acquisition, so as to timely

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and automatically activate a secondary acquisition, such activation being direct or indirect, (e.g. col. 5 line 65 – col. 6 line 34).

35. As per claim 21, Astarabadi does not specifically teach a user-actuable switching mechanism, coupled to the acquisition resources, for switching the acquisition resources between acquiring information and acquiring directives. Takahashi teaches a user-actuable switching mechanism, coupled to the acquisition resources, for switching the acquisition resources between acquiring information and acquiring directives, (e.g. col. 15, line 38 – col. 16, line 30). It would have been obvious to one of ordinary skill in the art to combine Takahashi with Astarabadi because it would be more efficient for the system to be able to “switch” between acquiring information and acquiring directives so the system does not receive errors in attempting to acquire information when it is suppose to be acquiring directives.

Conclusion

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on

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the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England
Examiner
Art Unit 2143

De 


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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